

REMARKS

Claims 1-60 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 5, 7, 11, 16, and 44-50.

Applicant thanks the Examiner for the courtesy of the personal interview granted on July 21, 2009. Applicant adopts the Examiner's suggestions and respectfully submits this Amendment.

Applicant thanks the Examiner for indicating that claim 19 contains allowable subject matter and for indicating that claims 54-60 are allowed. For at least the following reasons, Applicant respectfully submits that claims 1-18 and 20-53 are also patentable.

Claim Rejections - 35 U.S.C. § 102

Claims 7 and 42 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Rom (U.S. Patent 6,360,264). Applicant respectfully traverses the rejection.

Applicant amends claim 7 to recite, *inter alia*, "...method performed by an access point...comprising the steps of: collecting, by the access point," as the Examiner suggests.

Applicant respectfully resubmits that claims 7 and 42 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claims 5, 11-16, 18, 20-26, 28, 29, 33, 34, 38-40, 43-46, and 48-53 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lefkowitz (U.S. Patent 6,990,343).

Applicant respectfully traverses the rejection.

Applicant amends claim 5 to recite, *inter alia*, "...method performed by mobile station...comprising the steps of...receiving, by the mobile," as the Examiner suggests. Applicant similarly amends claims 11, 16, 44-46, and 48, as the Examiner also suggests.

Applicant respectfully resubmits that claims 5, 11-16, 18, 20-26, 28, 29, 33, 34, 38-40, 43-46, and 48-53 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim 51 is rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Dorenbosch et al. (U.S. Patent 6,850,503, hereinafter “Dorenbosch”). Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claim 51 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz in view of Backes (U.S. Pub. 2004/0166870). Applicant respectfully traverses the rejection.

Applicant respectfully resubmits the filing date of Backes is February 18, 2004. Backes also claims priority from U.S. Provisional applications 60/449,602 (filed on February 24, 2003), 60/446,448 (filed on April 29, 2003), 60/472,320 (filed on May 21, 2003), and 60/472,239 (filed on May 21, 2003).

In the Amendment filed on November 13, 2007, the claim of foreign priority was perfected, and hence, the priority date for the subject application is January 23, 2003.

Therefore, without commenting on the substantive merits of the Examiner’s rejection, Applicant respectfully requests removal of Backes since the earliest filing date from which Backes might claim priority is February 24, 2003 (*e.g.*, the filing date of U.S. Provisional

application 60/449,602), which is after the January 23, 2003 priority date for the subject application.

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz and Backes, as applied to claim 1, and further in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claims 3 and 4 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz, as applied to claim 5, in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claim 5 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rom, as applied to claim 7, and further in view of Lefkowitz. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claims 8-10 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claim 17 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claims 27 and 47 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hunkeler (U.S. Patent 6,950,655) in view of Lefkowitz. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claims 27 and 47 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claims 31 and 32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz, as applied to claim 28, in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claims 31 and 32 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim 35 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claim 35 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claims 36 and 37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claims 36 and 37 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Claim 41 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefkowitz, as applied to claim 40, in view of Rom. Applicant respectfully traverses the rejection.

Applicant respectfully resubmits that claim 41 should be deemed patentable for at least the reasons set forth in the Amendment filed on July 13, 2009.

Allowable Subject Matter

Claim 19 is objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant holds the rewriting of claim 19 in abeyance until the arguments with respect to claim 17 are considered.

Claims 54-60 are allowed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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